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June 5, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)


Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York ("City"), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, and Inspector Jesse Lance (collectively "defendants") in the above-referenced matter. Defendants write pursuant to Your Honor's Order, dated June 2, 2023, directing Defendants "to file a letter informing the Court of their position on the latter proposed amendment" of Plaintiff's First Amended Complaint. (See ECF Docket entry dated June 2, 2023).

By way of background, on May 31, 2023 Plaintiff moved for leave to file an amended complaint replacing the John Doe Defendants for names of ten police officers provided by the City on May 19, 2023. (See ECF No. 62). As Plaintiff indicates in their letter, Defendants do not object to amendment of the complaint to name the specific individuals identified by the City. Plaintiff further seeks leave to amend the Complaint to add a new paragraph eight which would identify thirteen NYPD members who, as Plaintiff puts it, may have violated Plaintiff's civil rights. With respect to the latter amendment, Defendants take no position. Of the thirteen NYPD members listed in the proposed paragraph eight, two have already been named as individual

Defendants by Plaintiff in the proposed First Amended Complaint¹. Based on interviews our Office was able to conduct, it is not believed that the remaining eleven NYPD members were involved in Plaintiff's arrest. While some NYPD members were able to recall responding to the underlying protest on June 4, 2020, they could not say with specificity at what time they responded or to what exact location they responded. Moreover, none of the remaining eleven NYPD members Plaintiff seeks to list in the proposed paragraph eight were identified in the photographs and still images depicting plaintiff's arrest which were produced to plaintiff on May 19, 2023.

Defendants thank the Court for its time and consideration of the requests contained herein.

By: 
Michael Pesin-Virovets
Senior Counsel

cc: **By ECF**
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¹ These are Police Officer Nathaniel Lester and NYPD Lieutenant Randy Shapiro.